

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GLENDALE STEWART,

ORDER

Plaintiff,

09-cv-554-slc

v.

CAPITAL NEWSPAPERS, INC.,

Defendant.

This is a proposed civil action for monetary relief in which plaintiff, a resident of Madison, Wisconsin, alleges that defendant Capital Newspapers, Inc. harassed him and terminated his employment on the basis of race, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e. Plaintiff has asked for leave to proceed *in forma pauperis* and has supported his request with an affidavit of indigency. The standard for determining whether plaintiff qualifies for indigent status is the following:

- From plaintiff's annual gross income, the court subtracts \$3700 for each dependent excluding the plaintiff.
- If the balance is less than \$16,000, the plaintiff may proceed without any prepayment of fees and costs.
- If the balance is greater than \$16,000 but less than \$32,000, the plaintiff must prepay half the fees and costs.
- If the balance is greater than \$32,000, the plaintiff must prepay all fees and costs.
- Substantial assets or debts require individual consideration.

In this case, plaintiff's monthly income is \$1,885, which makes his annual income \$22,620. Because plaintiff's income falls in the \$16,000 to \$32,000 range, he must prepay half of the \$350 fee for filing this case. Once payment has been received, the court will review the merits of plaintiff's complaint to determine whether one or more claims must be dismissed as frivolous or malicious, for failure to state a claim on which relief may be granted or because plaintiff is seeking money damages from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

ORDER

IT IS ORDERED that plaintiff is to pay \$175 of the \$350 filing fee as a condition of proceeding in this action *in forma pauperis* not later than October 14, 2009. If, by October 14, 2009 plaintiff fails to make the required payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 23rd day of September, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge